

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

JUDY JIEN, <i>et al.</i> , Plaintiffs, v. PERDUE FARMS, INC., <i>et al.</i> , Defendants.	Case No. 1:19-cv-2521-SAG
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**DEFENDANT JENNIE-O TURKEY STORE, INC.’S MOTION TO DISMISS
PLAINTIFFS’ THIRD AMENDED CONSOLIDATED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Jennie-O Turkey Store, Inc. (“JOTS”) hereby moves the Court for an order as follows:

1. Granting JOTS’s Motion to Dismiss Plaintiffs’ Third Amended Consolidated Complaint in its entirety;
2. Dismissing with prejudice the Third Amended Consolidated Complaint to the extent Plaintiffs seek relief against JOTS; and
3. Directing entry of an immediate final judgment in JOTS’s favor under Rule 54(b) of the Federal Rules of Civil Procedure because there is no just reason for delay.

Alternatively, if the Court is not inclined to grant JOTS’s Motion to Dismiss in its entirety, then JOTS moves the Court for an order requiring the development of a phased and focused discovery plan to determine whether JOTS should remain in the case.

JOTS files this individual Motion to Dismiss, and also joins in the Joint Motion to Dismiss for Lack of Standing Pursuant to Rule 12(b)(1) filed by all Defendants. In addition to the reasons set forth in Defendants’ Memorandum of Law in Support of Their Joint Motion to Dismiss for Lack of Standing filed on April 18, 2022, JOTS is entitled to dismissal for the reasons set forth in

JOTS's Memorandum of Law in Support of Its Motion to Dismiss Plaintiffs' Third Amended Consolidated Complaint—which is filed contemporaneously with this individual motion.

Dated: April 18, 2022

Respectfully submitted,

/s/ Jonathan H. Todt

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Attorneys for Jennie-O Turkey Store, Inc.

CERTIFICATE OF SERVICE

I certify that, on April 18, 2022, the foregoing Motion to Dismiss was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record in this matter.

/s/ Jonathan H. Todt
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